

## **REMARKS**

### **Claim Status**

Applicants acknowledge, with appreciation, the indication that claim 19 contains allowable subject matter. Claims 1-4, 7, 14-16, 19 and 28 are now pending, with claims 1, 16 and 28 being the only independent claims. Claims 1-4, 7, 14-16, 19 and 28 have been amended. Claims 16 and 28 have been placed into independent form. The amendments to those claims not otherwise discussed below are merely cosmetic or clarifying in nature. Support for the amendments to independent claims 1, 16 and 28 may be found, for example, at pg. 2, lines 20-23 of the specification as originally filed. Additional support for the amendments to independent claim 28 may be found, for example, at pg. 2, lines 8-9 of the instant specification. No new matter has been added. Reconsideration of the application, as herein amended, is respectfully requested.

### **Overview of the Office Action**

Claims 1- 2, 15, 16 and 28 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,598,011 (“*Koritzinsky*”). Claims 4, 7 and 14 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Koritzinsky* in view of U.S. Patent No. 6,618,692 (“*Takahashi*”), and further in view of U.S. Patent No. 5,812,656 (“*Garland*”).

Applicants point out that the Examiner has in the text of the Office Action inadvertently identified the *Takahashi* patent as No. 5,123,017. Applicants note that the correct number of this patent is 6,618,692.

Applicants have carefully considered the Examiner's rejections, and the comments provided in support thereof. For the following reasons, applicants assert that all claims now pending in the present application are patentable over the cited art.

### **Descriptive Summary of the Prior Art**

*Koritzinsky* discloses interactive servicing of medical diagnostic and imaging systems, such as via remote service facilities, in which system configurations, image data and other files, protocols, service requests, reports and other information are exchangeable between a remote service facility and a diagnostic system (see col. 1, lines 9-14).

*Takahashi* discloses a "remote diagnostic system for semiconductor manufacturing equipment which diagnoses a user's semiconductor manufacturing equipment connected to a piece of diagnostic equipment that is provided by a third party through a communication network" (see Abstract).

*Garland* discloses "a prioritized connection over the public switched telecommunications network that does not prevent outgoing or incoming service to the connected parties" (see col. 1, line 66 thru col. 2, line 3).

### **Summary of the Subject Matter Disclosed in the Specification**

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The specification discloses a system, communications module and method for diagnosing equipment to be inspected, where a communications module associated with the equipment to be

inspected reads operating data relating to the equipment to be inspected and forwards the data to a remote server. In accordance with the invention, the remote server is implemented by the combination of an intermediate server and a plurality of specialized assistance servers, each of which specialized assistance servers is specially configured to perform diagnosis on a *different* one of a predefined collection of equipment. Thus, where the predetermined collection of equipment is formed of a plurality of devices variously attached, for example, to a local area network, each of the specialized assistance servers is specially configured to diagnose a different one of the plural devices. The operating data relating to the particular equipment to be inspected is forwarded by the communications module to the intermediate server, which then determines which one of the specialized servers among the plurality of such specialized servers, which is configured or appropriate for performing diagnosis on the equipment whose operating data has been supplied or forwarded by the communications module. The intermediate server then places the communications module into communication with the determined one of the plural specialized assistance servers which is configured to diagnosis that equipment.

The communications module next transmits the operating data concerning the equipment to the determined one of the specialized assistance servers, which performs the diagnosis. As noted above, the determined specialized assistance server is specially configured to perform diagnosis on a particular one of a predefined collection of equipment that includes the particular equipment whose operating data has been received. The device in the predefined group may for example comprise the vehicles of a given motor manufacturer or the sensors of a plurality of private local networks.

Thus, in accordance with the disclosed invention, a user is able to diagnosis a wide range of different and notably dissimilar equipment, such as various devices (e.g. a telephone, TV,

sensors, etc.) of a local home network. By initially contacting a unique, centralized server (i.e., the intermediate server), the user is able to obtain diagnosis of any or all many possibly dissimilar devices in a simple manner. The intermediate server provides a central point of contact in the event of problems with any one of the multiple devices disposed on the local home network; the intermediate server handles the selection of a suitable assistance server that is specifically configured to diagnose a particular device, and places the device and the server in communication with each other to enable the diagnosis to proceed.

#### **Patentability of Independent Claims 1, 16 and 28 under 35 U.S.C. 102(e)**

Independent claim 1 has been amended to recite, *inter alia*, the step of “determining, at an intermediate server, which one from among a plurality of specialized assistance servers each specially configured to perform diagnosis on a different equipment of a predefined collection of equipment is the one server that is appropriate for diagnosing the equipment to be inspected, said intermediate server placing the communications module into communication with the determined one of the plural specialized assistance servers that is specifically configured for diagnosing the equipment to be inspected”. Independent claim 16 has been correspondingly amended. Independent claim 28 has been amended to recite, *inter alia*, “means for forwarding the operating data to a remote server which is configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating data”. Support for the amendments to independent claims 1, 16 and 28 may be found, for example, at pg. 2, lines 20-23 of the specification as originally filed. Additional support for the amendments to independent claim 28 may be found, for example, at pg. 2, lines 8-9 of the instant specification. No new matter has been added.

With reference to FIG. 1 of *Koritzinsky*, that reference teaches a system comprising a facility 20 that includes a plurality of devices 14, 16, 18, each of which is coupled to a system controller 30, 46, 60 linked to a communication module 32, 48, 62 (see col. 5, line 5 thru col. 6, line 4). The facility 20 also includes a management station 70 that is coupled to a work station 72 which is in turn linked to a select one of the plural devices (e.g., 14, 16) and configured to exchange service requests between the facility 20 and a service facility 22.

*Koritzinsky* explains that within the system, the service facility 22 may include a plurality of “dedicated hardware and software servers for processing the various service requests”.

*Koritzinsky* (col. 6, lines 49-60) specifically teaches that the plurality of servers associated with the service facility 22 serve to process these different types of queries, where each of the plural servers is respectively dedicated to process any of the different types of service requests. These service requests are described at col. 4, line 63 to col. 5, line 4, which describes that the system of *Koritzinsky* is intended to process a wide range of inquiries, comments, suggestions, and other queries or messages, such as queries relating to problems occurring on systems, applications questions, questions of a general nature, questions relating to financial or subscription arrangements, information sharing, reports, applications or protocols. A key point to note here is that the service requests are directly received by the service facility, which is intended to process the service requests, without passing through any sort of intervening device. It is therefore clear that no intermediate server is provided between the facility 20 and the service facility 22, i.e., no intermediate server configured to route a service request to a selected one of a plurality of diagnostic servers based on which of those diagnostic servers has been specially configured to diagnose data related to a particular device, as recited in applicants’ amended independent claims 1 and 16. *Koritzinsky* thus fails to teach or suggest an intermediate server having the role of

centralizing the requests sent by the devices to be controlled and routing those requests to the one specialized server that is configured to process the particular request.

In addition, the system of *Koritzinsky* fails to teach or suggest the provision or use of a plurality of specialized assistance servers, each of which is specially configured to perform diagnosis on a respective *different* one of a predefined collection of equipment. Instead, *Koritzinsky* teaches a service facility 22 that includes a plurality of servers for processing service requests sent by devices of the facility 20. Each of the plural servers is *identically* configured to process the entire set or universe of requests that the devices of the facility 20 may send, and they are assigned to process an incoming request on the basis of availability, *not* (as in applicants' claimed invention) on the basis of a specially configured capability of a particular one of the plural servers to diagnose the specific device from which the request was received. The plural servers of the service facility 22 of *Koritzinsky* are *not* individually specially configured for a particular request or device; instead, all of the plural servers are *generically* configured to deal with the entire universe of potential incoming requests. (Col. 6, lines 56-58) Thus, there is no indication whatsoever that these servers are specialized for use with a specific device within a predefined group of devices. Quite to the contrary, *Koritzinsky* (col. 6, lines 56-58) teaches each of the plural servers of *Koritzinsky* is configured to process any request that it may receive, i.e., any of the different types of service requests described at col. 4, line 63 to col. 5, line 4 of *Koritzinsky*. This, too, clearly distinguishes applicants' claimed invention over *Koritzinsky*.

In addition, there is no communication module in *Koritzinsky* that is configured to forward the operating data to a remote server which is configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating

data as recited in applicants' amended independent claim 28. The *Koritzinsky* system includes communications modules 32, 48 and 62. These communications modules transmit service requests, messages and data between a corresponding system controller 30, 46 or 60 and service facility 22 (see col. 5, line 66 thru col. 6, line 2). However, there is no teaching or suggestion that any of these system controllers are configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating data. Applicants' claimed invention clearly distinguishes over *Koritzinsky* for this additional reason.

*Koritzinsky* thus fails to teach or suggest a method or system that operates in the manner recited in applicants' amended independent claims 1, 16 and 28.

In view of the foregoing, independent claims 1, 16 and 28 are not anticipated by *Koritzinsky*. Reconsideration and withdrawal of the rejection of claims 1, 16 and 28 under 35 U.S.C. §102 are accordingly deemed to be in order, and early notice to that effect is solicited.

Moreover, by virtue of the above-discussed differences between the recitations of claims 1, 16 and 28 and the teachings of *Koritzinsky*, and the lack of any clear motivation for modifying *Koritzinsky* to achieve applicants' claimed invention, independent claims 1, 16 and 28 are likewise deemed to be patentable over *Koritzinsky* under 35 U.S.C. §103.

**Patentability of dependent claims 4, 7 and 14 under 35 U.S.C. §103(a)**

The Examiner (at pg. 8 of the Office Action) has acknowledged that *Koritzinsky* fails to teach or suggest "the ability to allow the user to repair the malfunction and if not possible, the repair is intervened by a repair service technician" recited in claim 4 and "levels of diagnosis and adjustment" recited in claim 7. *Takahashi* has been cited to provide these features.

The Examiner has also acknowledged that *Koritzinsky* fails to teach or suggest “a priority connection is made from the communications module to the server in the event an emergency occurs” as recited in claim 14, and cites *Garland* to provide this feature.

Applicants disagree, however, that the combination of *Koritzinsky*, *Takahashi* and *Garland* achieves the methods of dependent claims 4, 7 and 14. There is nothing in *Takahashi* or *Garland* to cure the above-noted deficiencies of *Koritzinsky* concerning the lack of teachings of an intermediate server or the plurality of specifically configured specialized assistance servers.

*Takahashi* teaches a remote diagnosing system that comprises only one diagnostic equipment 70 for use in performing diagnosis for a collection of equipment 10. *Garland* teaches systems that are used to prioritize connections. However, *Takahashi* and *Garland* are totally silent with respect to the recited steps in applicants’ independent claim 1 that utilizes an intermediate server and the claimed plurality of specialized assistance servers. The combination of *Koritzinsky*, *Takahashi* and *Garland* therefore fails to teach or suggest the features recited in independent claim 1, let alone in dependent claims 4, 7 and 14. Dependent claims 4, 7 and 14 are accordingly also deemed to be patentable over the combination of *Koritzinsky*, *Takahashi* and *Garland*.

### **Dependent Claims**

In view of the patentability of independent claims 1, 16 and 28, and for at least the reasons presented above, each of dependent claims 2-4, 7, 14, 15 and 19 is believed to be patentable therewith over the prior art. Each of dependent claims 2-4, 7, 14, 15 and 19 additionally includes features that serve to still further distinguish the claimed invention over the applied art.



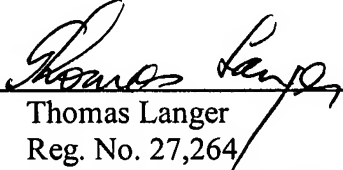
## Conclusion

Based on all of the above, applicants submit that the present application is now in full and proper condition for allowance. Prompt and favorable action to this effect, and early passage of the application to issue, are solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned to facilitate an early resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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